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DATE: APRIL 12, 2011

TO: CODE ADMINISTRATION STAFF AND CUSTOMER

FROM: JOHN CATLETT, DIRECTOR

**RE: APPLICATION OF VIRGINIA MAINTENANCE CODE REQUIREMENTS
REGARDING RESIDENTIAL HEATING AND COOLING.**

The Virginia Maintenance Code has two provisions dealing with the conditioning of residential spaces. These requirements are difficult to understand in regards to their application in R2 occupancies. This interpretation is intended to provide guidance regarding how these requirements are to be applied.

VMC heat requirements:

602.2 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 1 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

This section requires owners and operators of any building, *not individual unit*, to provide heat from October 15 to May 1. In the collective opinion of the supervisory team, this would apply to leased single family dwellings, townhouses, duplexes, group homes, and apartment buildings. It is clear that the code intends that when the owner and/or operator of a particular *building* have control, they are to provide the capabilities to maintain the temperature of 65 degrees.

VMC R2 cooling requirements:

602.4 Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases or lets one or more dwelling units, rooming units or guestrooms on terms, either expressed or implied, to furnish cooling to

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the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 80°F (27°C) in all habitable rooms.

Exception: *When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the International Energy Conservation Code.*

The code does not clearly define an apartment. However, there are clear distinctions in other sections of the Virginia Construction Code that identify a condominium differently than a leased apartment. The USBC intends that when there is not a code definition provided the common definition of a word or term applies. Webster defines an apartment as follows:

- a. A room or set of rooms fitted especially with housekeeping facilities and **usually leased** as a dwelling.*
- b. A building containing several individual apartments.*

Webster's provides how the word *apartment* is used.

We lived in an apartment for several years before buying a house.

Webster's defines an *apartment house* in the following way:

A building containing separate residential APARTMENTS—called also apartment house

Given the code provisions and the common definitions provided in an English language dictionary, it is my interpretation that the provisions of VMC 602.2 and 602.4 would not apply to a condominium building. In the case of a condominium, the decision as to when to convert from heating to cooling and vice versus would be controlled by the collective owners of the facility.

The VMC requires heating and cooling in certain residential applications. However, the code also establishes a minimum temperature of sixty five degrees that must be achieved. Even if a building is not providing heat, but the minimum temperature is being maintained, it would not be a violation of the VMC. A temperature reading is required (three foot from the wall; three foot from the floor) to verify if the building is out of compliance.

The minimum heat of sixty-five degrees is again intended to provide a minimum temperature where those most susceptible to the effects of cold, such as young children and the elderly, must be provided with a minimum temperature. When that is not provided, the occupant will many times turn to unsafe portable space heating equipment that can be a fire safety or carbon monoxide risk. The alternative should heat not be provided, may be temperatures that may cause risk of hypothermia in groups susceptible to that condition.

The eighty degree air temperature required for R2 apartments would not be what most of us consider comfortable. However, it does provide an environment in which those most susceptible to the effects of heat can live although it may require supplementing with electric fans to be more "comfortable".

The VMC is not intended to beautify, provide for individualized comfort, etc. It is intended to provide for safe buildings that are maintained to prevent deterioration, be maintained clean and sanitary, and provide the minimums necessary for a healthy environment.

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